

STAFF REPORT  
October 25, 2012

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**No. 12PL063 - Preliminary Subdivision Plan**

**ITEM 5**

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GENERAL INFORMATION:

APPLICANT	Janelle Finck - Fisk Land Surveying & Consulting Engineers
AGENT	Ferdinand Dirt, LLC
PROPERTY OWNER	Lazy P6 Land Co. Inc.
REQUEST	<b>No. 12PL063 - Preliminary Subdivision Plan</b>
EXISTING LEGAL DESCRIPTION	A portion of Lot 5 of North 80 Subdivision located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Proposed Lots A, B, C and D of Lot 5 of North 80 Subdivision
PARCEL ACREAGE	Approximately 5.87 acres
LOCATION	Southeast corner of the intersection of East Stumer Road and 5th Street
EXISTING ZONING	General Commercial (Planned Development Designation)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	Office Commercial - Office Commercial (Planned Development)
South:	(Pennington County) General Commercial
East:	General Commercial
West:	General Commercial (Planned Development Designation)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	September 14, 2012
REVIEWED BY	Vicki L. Fisher / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Preliminary Subdivision Plan be approved with the following stipulations:

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1. Prior to submittal of the Development Engineering Plan application, the redlined comments for the Master Plan layout and plat document shall be addressed. In particular, the drawings shall be revised pursuant to the redline comments or Exception(s) to the Infrastructure Design Criteria Manual and/or the Standard Specifications shall be obtained. The redlined comments shall be returned to the Engineering Services Division of the Public Works Department;
2. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards in compliance with the Infrastructure Design Criteria Manual;
3. Prior to submittal of a Development Engineering Plan application, justification for needing three access approaches each to proposed Lot A and Lot B shall be submitted for review and approval pursuant to Section 2.16.5.2 of the Infrastructure Design Criteria Manual. In addition, the plat document shall be revised if and as needed;
4. Upon submittal of a Development Engineering Plan application, construction plans for Catron Boulevard shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a 12 inch water main in conformance with the City's Utility System Master Plan, sewer, curb, gutter, sidewalk and street light conduit or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
5. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show the dedication of four additional feet of right-of-way along East Stumer Road as it abuts the property or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
6. Upon submittal of a Development Engineering Plan application, construction plans for Shelby Avenue shall be submitted for review and approval. In particular, the construction plans shall show the street located within a minimum 70 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
7. Upon submittal of a Development Engineering Plan application, construction plans for Bentley Lane shall be submitted for review and approval. In particular, the construction plans shall show the street located within a minimum 70 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. In addition, the construction plans shall show the permanent turnaround at the end of Bentley Lane with a minimum 118 foot diameter right-of-way and a minimum 96 foot diameter paved surface or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
8. Upon submittal of a Development Engineering Plan application, a design report

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- demonstrating that water service is adequate to meet required domestic and fire flow as per Chapter 3 of the Infrastructure Design Criteria Manual shall be submitted for review and approval. In addition, the proposed water main pipe size shall be identified. The applicant shall also confirm the need for the proposed utility easement on proposed Lot D at the terminus of Bentley Lane or the plat document shall be revised to remove the easement;
9. Upon submittal of a Development Engineering Plan application, a design report demonstrating that the sanitary sewer capacity is adequate to handle additional estimated sanitary sewer flows and provide sufficient system capacity for the proposed development, as per Chapter 3 of the Infrastructure Design Criteria Manual, shall be submitted for review and approval. In addition, the proposed sanitary sewer pipe size shall be identified;
  10. Upon submittal of a Development Engineering Plan application, a drainage report in compliance with Chapter 4 of the Infrastructure Design Criteria Manual shall be submitted for review and approval. The drainage report shall include an analysis of proposed storm water discharge into the existing open channel along Catron Boulevard to confirm that the channel can accommodate additional flows;
  11. Upon submittal of a Development Engineering Plan application, a geotechnical report, including pavement design, for the proposed public improvements and soil corrosion potential shall be submitted for review and approval. In addition, all subdivision improvements shall be constructed per the geotechnical recommendation;
  12. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
  13. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
  14. Prior to submittal of a Final Plat application or prior to commencing construction, whichever occurs first, a Development Agreement shall be entered into with the City for all public improvements if applicable;
  15. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
  16. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

**GENERAL COMMENTS:**

The applicant has submitted a Preliminary Subdivision Plan application to subdivide a previously platted lot into four lots, leaving a platted non-transferable balance. The lots are to be known as Lots A through D of Lot 5 of North 80 Subdivision and will range in size from 0.59 acres to 2.51 acres.

On February 6, 2012, City Council approved a Preliminary Plat (File #11PL075) to create Lot 4 and Lot 5 of North 80 Subdivision. In addition, a Variance to the Subdivision Regulations (File #11SV023) was approved to waive the requirement to install water and sewer along Catron Boulevard. On January 12, 2012, an Exception (File #12EX005) was approved to waive the requirement to construct curb, gutter, sidewalk and street light conduit along Catron Boulevard. The Variance to the Subdivision Regulations and the

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Exception request were approved with the stipulation that the applicant sign a waiver of right to protest any future assessments for the improvements. The waiver of right to protest document was signed by the applicant and recorded at the Register of Deed's Office.

On February 27, 2012, a Final Plat (File #12PL006) was approved creating Lot 5 of North 80 Subdivision. As previously noted, the applicant is now proposing to subdivide Lot 5 into four lots.

The property is located in the southeast corner of the intersection of East Stumer Road and 5<sup>th</sup> Street. Currently, an Arby's Restaurant is located on proposed Lot C. The balance of the property is void of any structural development.

A Preliminary Subdivision Plan is a tentative plan of a proposed subdivision requiring the installation of public improvements. Approval of a Preliminary Subdivision Plan by the City Council is required before an applicant can proceed with Development Engineering Plans and a Final Plat application for all or part of the area within the Preliminary Subdivision Plan application.

**STAFF REVIEW:**

Staff has reviewed the Preliminary Subdivision Plan application and has noted the following considerations:

**Zoning:** The property is zoned General Commercial District with a Planned Development Overlay. A Final Planned Development has been approved for proposed Lot C to allow for the construction of a restaurant. As previously noted, an Arby's Restaurant has been constructed on proposed Lot C. The applicant should be aware that a Final Planned Development must be submitted for review and approval for the balance of the property prior to issuance of a building permit.

On August 20, 2012, the City Council approved an Exception request to allow an existing approach on 5<sup>th</sup> Street to be utilized for ingress and egress to proposed Lot D with the stipulation that traffic calming measures be added to the parking lot. The applicant should be aware that upon submittal of a Final Planned Development application for proposed Lot D, the traffic calming measures must be included within the parking lot to ensure compliance with the approved Exception request.

**Catron Boulevard:** Catron Boulevard is located along the south lot line of the property and is classified as a principal arterial street on the City's Major Street Plan requiring that it be located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the City's Utility System Master Plan identifies a 12 inch water main along Catron Boulevard. Currently, Catron Boulevard is located within a varying right-of-way width of 215 feet to 235 feet and constructed with a pavement width of 104 feet at the intersection of Fifth Street transitioning to 68 feet at the eastern edge of the property. As previously noted, a Variance to the Subdivision Regulations was approved to waive the requirement to install water and sewer along Catron Boulevard. In addition, an Exception request was approved to waive the requirement to install curb, gutter sidewalk, sewer and water along Catron Boulevard. Replatting Lot 5 as proposed triggers the requirement that these previously waived

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improvements be constructed as a part of this plat or a new Exception must be obtained to waive the requirement. Please note that a waiver of right to protest any future assessments for these improvements has previously been signed by the applicant and includes this property.

East Stumer Road: East Stumer Road is located along the north lot line of the property and is classified as a collector street requiring that the street be located within a minimum 68 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, East Stumer Road is located within a 60 foot wide right-of-way and constructed with a 33 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. When Lot 5 was originally platted, the Street Design Criteria Manual required a minimum 60 foot wide right-of-way for a collector street. Since then, the City has adopted the Infrastructure Design Criteria Manual which requires a minimum 68 foot wide right-of-way width for a collector street. As such, upon submittal of a Development Engineering Plan application, the plat document must be revised to show the dedication of four additional feet of right-of-way along East Stumer Road as it abuts the property or an Exception must be obtained. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application.

Shelby Avenue: Shelby Avenue extends south from East Stumer Road and is classified as a commercial street requiring that it be located within a minimum 70 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has submitted an Exception request to reduce the right-of-way width from 70 feet to 60 feet. Staff is currently reviewing the request.

Staff recommends that upon submittal of a Development Engineering Plan application, construction plans for Shelby Avenue be submitted for review and approval showing the street constructed as a commercial street or an Exception be obtained. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application.

Bentley Lane: Bentley Lane is a cul-de-sac street extending west from Shelby Avenue. Bentley Lane is classified as a commercial street requiring that it be located within a minimum 70 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the cul-de-sac bulb must be designed with a minimum 118 foot diameter right-of-way and a minimum 96 foot diameter paved surface. Please note that the applicant has submitted an Exception request to reduce the right-of-way width from 70 feet to 60 feet. Staff is currently reviewing the request.

Staff recommends that upon submittal of a Development Engineering Plan application, construction plans for Bentley Lane be submitted for review and approval as identified or an Exception be obtained. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application.

Access: Section 2.16.5.2 of the Infrastructure Design Criteria Manual states that “the number of access approaches allowed to a commercial or industrial establishment will be dependent

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on the size and design of the establishment or development. The developer or owner shall be responsible to show the need for the proposed number of access points". The Preliminary Subdivision Plan identifies three approaches each to proposed Lots A and B. Pursuant to Section 2.16.5.2 of the Infrastructure Design Criteria Manual, staff recommends that prior to submittal of a Development Engineering Plan application, justification for needing three access approaches each to proposed Lot A and Lot B must be submitted for review and approval. In addition, the plat document must be revised if and as needed.

Water: Upon submittal of a Development Engineering Plan application, a design report demonstrating that water service is adequate to meet required domestic and fire flow as per Chapter 3 of the Infrastructure Design Criteria Manual must be submitted for review and approval. In addition, the proposed water main pipe size must be identified.

The Preliminary Subdivision Plan identifies a utility easement on proposed Lot D at the terminus of Bentley Lane. It is unclear why the easement is being secured. Upon submittal of a Development Engineering Plan application, the applicant must confirm the need for the proposed utility easement or revise the plat document to remove the easement.

Sewer: Upon submittal of a Development Engineering Plan application, a design report demonstrating that the sanitary sewer capacity is adequate to handle additional estimated sanitary sewer flows and provide sufficient system capacity for the proposed development as per Chapter 3 of the Infrastructure Design Criteria Manual must be submitted for review and approval. In addition, the proposed sanitary sewer pipe size must be identified.

Stormwater Management Plan: The City Council has adopted a Stormwater Quality Manual and an Infrastructure Design Criteria Manual which provide criteria and technical guidance for erosion and sediment control at construction sites. As such, staff recommends that upon submittal of the Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and Infrastructure Design Criteria Manual be submitted for review and approval. In addition, an Erosion and Sediment Control Permit must be obtained prior to any construction.

Development Agreement: Section 1.16.1 of the Infrastructure Development Criteria Manual states that a Development Agreement may be required for construction approval. A Development Agreement is a tool which will provide the City and the developer with an instrument to document the financial and procedural requirements for the development of public improvements. Staff recommends that prior to submittal of a Final Plat application or prior to commencing construction, whichever occurs first, a Development Agreement be entered into with the City for all public improvements if applicable.

Warranty Surety: On June 19, 2006, the City Council adopted a resolution establishing a formal warranty process for subdivision improvements. In particular, the resolution requires that the developer provide an acceptable Warranty Surety for the required public improvements. In particular, the Warranty Surety must be in force for a period of two years after the required final inspection and the City has accepted the improvements. Prior to the City's acceptance of any public improvements, a Warranty Surety must be submitted for review and approval if subdivision improvements are required as a part of any future platting of the property.

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Summary: The proposed Preliminary Subdivision Plan generally complies with all applicable Zoning and Subdivision